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Attorneys for Defendants, The Herman Kishner Trust, Irwin  
Kishner, as Trustee for the Herman Kishner Trust, Jerry  
Engel, as Trustee for the Herman Kishner Trust, Bank of  
America, as Trustee for the Herman Kishner Trust, and  
Maryland Square Shopping Center, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

**PACIFIC EMPLOYERS INSURANCE  
COMPANY**, a Pennsylvania corporation,

Plaintiff,

v.

**THE HERMAN KISHNER TRUST; IRWIN  
KISHNER**, as Trustee for the Herman Kishner  
Trust; **JERRY ENGEL**, as Trustee for the Herman  
Kishner Trust; **BANK OF AMERICA**, as Trustee  
for the Herman Kishner Trust; **MARYLAND  
SQUARE SHOPPING CENTER, LLC;  
MARYLAND SQUARE, LLC; HERMAN  
KISHNER** dba Maryland Square Shopping Center;  
and DOES 1-25, inclusive,

Defendants.

Case No.: 2:10-cv-897-JCM-(PAL)

**NOTICE OF LODGMENT IN  
SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, TO STAY THE  
ACTION**

Defendants The Herman Kishner Trust, Irwin Kishner, as Trustee for the Herman Kishner Trust, Jerry Engel, as Trustee for the Herman Kishner Trust, Bank of America, as Trustee for the Herman Kishner Trust, and Maryland Square Shopping Center, LLC respectfully lodge the following documents in support of their Motion to Dismiss, Or In The Alternative, To Stay The Action:

1. Exhibit A: Third Amended Complaint filed on July 20, 2010 in the District Court, Clark County, Nevada entitled *Peter J. Voggenthaler, et al v. Al Phillips The Cleaner, Inc., et al*, Case No. A553784.

2. Exhibit B: Complaint filed on November 19, 2008 in the United States District Court, District of Nevada entitled *Peter J. Voggenthaler, et al v. Maryland Square LLC, et al*, Case No. 2:08cv01618.

3. Exhibit C: Complaint filed on May 4, 2009 in the United States District Court, District of Nevada entitled *State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Corrective Actions v. Maryland Square Shopping Center, LLC, et al*, Case No. 3:09cv00231.

DATED: October 19, 2010

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/s/ Steven J. Parsons

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